

REMARKS**Special Circumstances**

In the Office action mailed December 30, 2003, the Examiner asked applicant to point out any material information from the co-pending applications listed as parents to the instant application if the criteria for materiality applies and if the examination record provides reason for applicant to believe that the Examiner has not considered such information. Applicant is uncertain what the Examiner is requesting. Applicant has previously identified the applications and believes that identification satisfies its duty of disclosure. Nevertheless, in an attempt to respond to the request, applicant has attached to the end of this document as "Attachment 1" a list of its patent applications and its one Taiwanese patent (the list does not include the national phase filings of the listed PCT application). None of the listed applications have yet issued as patents. The Examiner is requested to inform applicant if further information concerning any of these applications is needed.

Double Patenting

In the Office action mailed December 30, 2003, the Examiner stated: "It should be noted that for the purpose of this office action the below rejections under 35 U.S.C. 101 (double patenting) are being made under the assumption that the applications were not commonly owned at the time of applicant's invention." Office Action, 2. Applicant is uncertain what the Examiner means by this statement. The double patenting rejections set forth in the Office Action were made under the judicially created doctrine of obviousness-type double patenting, not under 35 U.S.C. 101, so applicant does not understand why reference was made to that statute. Additionally, as far as applicant is

aware, obviousness-type double patenting rejections are made between commonly owned applications so applicant does not understand why the assumption was made that the applications were not commonly owned. The Examiner is requested to inform applicant if further information concerning these points is needed.

The Examiner further stated: "Additionally, it should be noted that the below double patenting rejections are based upon known and available co-pending applications and although it is believed that all appropriate rejections have been made, Applicant's help in determining all appropriate double patenting rejections with all of Applicant's applications is requested because of the large number of similar applications." Office Action, 2. Applicant is uncertain what help the Examiner is requesting. To the extent the Examiner is asking for identification of applicant's co-pending applications, then, as stated above, applicant has attached to the end of this document a list of its patent applications and its one Taiwanese patent. Additionally, to the extent that applicant is aware of any double patenting issue, applicant will take some action to address or defer the issue, such as by amending or canceling claims, by traversing the rejection, by filing a terminal disclaimer, or by taking some other action. The Examiner is requested to inform applicant if further information concerning this issue is needed.

The specific obviousness-type double patenting rejections are addressed below, in the order presented by the Examiner:

1. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of co-pending Application No. 10/100,211 in

view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.

2. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of co-pending Application No. 10/100,211 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.
3. The Examiner provisionally rejected claims 1-8 and 20-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 09/929,227 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Claims 1-8 of the present application all require "at least one brake pawl

configured to pivot into the teeth of the blade." Claims 20 and 21 require "at least one brake pawl configured ... to pivot tightly into, and bind against, the teeth" of a cutting tool. Lokey fails to disclose a brake pawl that pivots into the teeth of a cutting tool. The only claims of the cited co-pending application that disclose pivoting a brake into the teeth of a cutting tool are claims 2 and 5, and those claims have been or are being cancelled without prejudice. Accordingly, the cited references fail to teach or suggest all the claimed limitations and therefore they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Claims 1-8 and 20-21 in the present application also include other limitations not found in the cited references.

4. The Examiner provisionally rejected claim 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 09/929,227. That rejection is traversed. Claim 9 requires "a brake pawl movable into contact with the cutting tool so that a tooth-engaging portion of the brake pawl binds against the teeth of the cutting tool to stop movement of the cutting tool." Claim 9 further specifies that "the tooth-engaging portion of the brake pawl is formed of metal." The only claims of the cited co-pending application that disclose pivoting a brake into the teeth of a cutting tool are claims 2 and 5, and those claims have been or are being cancelled without prejudice. Additionally, the claims of the cited co-pending application do not disclose a tooth-engaging portion of a brake pawl formed of metal (which is not obvious because there

is no teaching to pivot a metal portion of a brake pawl into contact with the moving teeth of a cutting tool). Accordingly, the cited references fail to teach or suggest all the claimed limitations and therefore they cannot by themselves support a conclusion of obviousness. MPEP §2143.03.

5. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 09/929,227 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
6. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 09/929,227 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness.

MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

7. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/052,274 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
8. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/052,274 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness.

MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

9. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-7, 10, 14 and 20 of co-pending Application No. 10/050,085 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
10. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-7, 10, 14 and 20 of co-pending Application No. 10/050,085 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of

obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

11. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,238 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
12. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,238 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness.

MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

13. The Examiner provisionally rejected claims 1-8 and 20-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/215,929 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Claims 1-8 of the present application all require "at least one brake pawl configured to pivot into the teeth of the blade." Claims 20 and 21 require "at least one brake pawl configured ... to pivot tightly into, and bind against, the teeth" of a cutting tool. The cited references, however, fail to disclose a brake pawl that pivots into the teeth of a cutting tool and therefore the references cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Claims 1-8 and 20-21 in the present application also include other limitations not found in the cited references.
14. The Examiner provisionally rejected claim 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/215,929. That rejection is traversed. Claim 9 requires "a brake pawl movable into contact with the cutting tool so that a tooth-engaging portion of the brake pawl binds against the teeth of the cutting tool to stop movement of the cutting tool." Claim 9 further specifies that "the tooth-engaging portion of the brake pawl is formed

of metal." The claims of the cited co-pending application fail to disclose a brake pawl that is movable into the teeth of a cutting tool and therefore the reference cannot by itself support a conclusion of obviousness. MPEP §2143.03.

15. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/215,929 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
16. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/215,929 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness.

MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

17. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,240 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
18. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,240 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness.

MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

19. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of co-pending Application No. 09/929,236 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
20. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of co-pending Application No. 09/929,236 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness.

MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

21. The Examiner provisionally rejected claims 1, 5, 7 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,235. That rejection is traversed. Claims 1 and 5-7 of the present application all require "at least one brake pawl configured to pivot into the teeth of the blade." Claim 20 requires "at least one brake pawl configured ... to pivot tightly into, and bind against, the teeth" of a cutting tool. The only claims of the cited co-pending application that disclose engaging or pivoting a brake into the teeth of a cutting tool are claims 8, 9, 11, 12, 20, 21, 23 and 24. Of those claims, applicant intends to amend or cancel claims 8, 9, 11 and 12, and claims 20, 21, 23 and 24 have been withdrawn in response to a restriction requirement. Accordingly, the cited references fail to teach or suggest all the claimed limitations and therefore they cannot by themselves support a conclusion of obviousness. MPEP §2143.03.
22. The Examiner provisionally rejected claims 2-4 and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,235. That rejection is traversed. Claims 2-4 of the present application all require "at least one brake pawl configured to pivot into the teeth of the blade."

Claim 9 requires "a brake pawl movable into contact with the cutting tool so that a tooth-engaging portion of the brake pawl binds against the teeth of the cutting tool to stop movement of the cutting tool." Claim 9 further specifies that "the tooth-engaging portion of the brake pawl is formed of metal." The only claims of the cited co-pending application that disclose engaging or pivoting a brake into the teeth of a cutting tool are claims 8, 9, 11, 12 20, 21, 23 and 24. Of those claims, applicant intends to amend or cancel claims 8, 9, 11 and 12, and claims 20, 21, 23 and 24 have been withdrawn in response to a restriction requirement. Accordingly, the cited references fail to teach or suggest all the claimed limitations and therefore they cannot by themselves support a conclusion of obviousness. MPEP §2143.03.

23. The Examiner provisionally rejected claims 8 and 21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,235 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Claim 8 of the present application requires "at least one brake pawl configured to pivot into the teeth of the blade." Claim 21 requires "at least one brake pawl configured ... to pivot tightly into, and bind against, the teeth" of a cutting tool. Lokey fails to disclose any brake component adapted to pivot into the teeth of a cutting tool. The only claims of the cited co-pending application that disclose engaging or pivoting a brake into the teeth of a cutting tool are claims 8, 9, 11, 12 20, 21, 23 and 24. Of those claims,

applicant intends to amend or cancel claims 8, 9, 11 and 12, and claims 20, 21, 23 and 24 have been withdrawn in response to a restriction requirement. Accordingly, the cited references fail to teach or suggest all the claimed limitations and therefore they cannot by themselves support a conclusion of obviousness. MPEP §2143.03.

24. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,235 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
25. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of co-pending Application No. 09/929,235 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed

limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

26. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 12 and 17 of co-pending Application No. 09/929,221 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
27. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 12 and 17 of co-pending Application No. 09/929,221 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all

the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

28. The Examiner provisionally rejected claims 1-8 and 20-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 09/929,426 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Claims 1-8 of the present application all require "at least one brake pawl configured to pivot into the teeth of the blade." Claims 20 and 21 require "at least one brake pawl configured ... to pivot tightly into, and bind against, the teeth" of a cutting tool. Lokey fails to disclose any brake component adapted to pivot into the teeth of a cutting tool. The only claims of the cited co-pending application that discloses contacting the teeth of a cutting tool are claims 22 and 23, and those claims have been withdrawn in response to a restriction requirement. Accordingly, the cited references fail to teach or suggest all the claimed limitations and therefore they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Claims 1-8 and 20-21 in the present application also include other limitations not found in the cited references.

29. The Examiner provisionally rejected claim 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

claims 1-25 of co-pending Application No. 09/929,426. That rejection is traversed. Claim 9 requires "a brake pawl movable into contact with the cutting tool so that a tooth-engaging portion of the brake pawl binds against the teeth of the cutting tool to stop movement of the cutting tool." Claim 9 further specifies that "the tooth-engaging portion of the brake pawl is formed of metal." The claims of the cited co-pending application fail to disclose a brake pawl with a tooth-engaging portion formed of metal that is movable into the teeth of a cutting tool and therefore the reference cannot by itself support a conclusion of obviousness. MPEP §2143.03.

30. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 09/929,426 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
31. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 09/929,426 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in

Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

32. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 8, 10, 15 and 16 of co-pending Application No. 10/047,066 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.
33. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 8, 10, 15 and 16 of co-pending Application No. 10/047,066 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake

components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

34. The Examiner provisionally rejected claims 1-8 and 20-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13 and 18-19 of co-pending Application No. 10/189,027 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Claims 1-8 of the present application all describe a woodworking machine with "at least one brake pawl configured to pivot into the teeth of the blade." Claims 20 and 21 describe a woodworking machine with "at least one brake pawl configured ... to pivot tightly into, and bind against, the teeth" of a cutting tool. Lokey fails to disclose any brake component adapted to pivot into the teeth of a cutting tool. The only claim of the cited co-pending application that mentions a brake member configured to contact the cutting edge of a cutting element is claim 1, but that claim does not disclose or suggest a brake member that pivots into the teeth of a cutting tool. Accordingly, the cited references fail to teach or suggest all the

claimed limitations and therefore they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Claims 1-8 and 20-21 in the present application also include other limitations not found in the cited references.

35. The Examiner provisionally rejected claim 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13 and 18-19 of co-pending Application No. 10/189,027. That rejection is traversed. Claim 9 requires "a brake pawl movable into contact with the cutting tool so that a tooth-engaging portion of the brake pawl binds against the teeth of the cutting tool to stop movement of the cutting tool." Claim 9 further specifies that "the tooth-engaging portion of the brake pawl is formed of metal." The claims of the cited co-pending application fail to disclose a brake pawl with a tooth-engaging portion formed of metal that is movable into the teeth of a cutting tool. Additionally, the claims of the cited co-pending application do not disclose a tooth-engaging portion of a brake pawl formed of metal (which is not obvious because there is no teaching to move a metal portion of a brake pawl into contact with the moving teeth of a cutting tool). Therefore the reference cannot by itself support a conclusion of obviousness. MPEP §2143.03.

36. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13 and 18-19 of co-pending Application No. 10/189,027 in view of U.S. Patent No. 3,785,230 to Lokey. That

rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.

37. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13 and 18-19 of co-pending Application No. 10/189,027 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

38. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 10/052,705 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed.

Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.

39. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 10/052,705 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

40. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 9, 14 and 15 of co-pending Application No. 09/929,244 in view of U.S. Patent No. 3,785,230 to Lokey. That

rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.

41. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 9, 14 and 15 of co-pending Application No. 09/929,244 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

42. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 9, 16, 18 and 19 of co-pending Application No. 09/929,234 in view of U.S. Patent No. 3,785,230 to Lokey. That

rejection is traversed. Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.

43. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 9, 16, 18 and 19 of co-pending Application No. 09/929,234 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not *bite into* a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

44. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/051,782 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed.

Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.

45. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/051,782 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.
46. The Examiner provisionally rejected claims 15 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/205,164 in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed.

Nevertheless, applicant has cancelled claims 15 and 18 without prejudice, so this rejection is now moot.

47. The Examiner provisionally rejected claim 17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/205,164 in view of U.S. Patent No. 3,785,230 to Lokey and U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." Nothing in the cited references shows or suggests a braking component with ridges adapted to *bite into* a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Similarly, the cited claims of the co-pending application fail to disclose a braking component with ridges adapted to *bite into* a cutting tool. Because the cited references fail to teach or suggest all the claimed limitations, they cannot by themselves support a conclusion of obviousness. MPEP §2143.03. Moreover, the DeWoody reference is outside the proper scope and content of the art because it concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

In light of the comments made above, applicant requests that the double patenting rejections be withdrawn.

Statement Under 37 CFR 1.78(c)

The Examiner required applicant under 35 USC §103(c) and 37 CFR 1.78(c) to state whether the inventions claimed in the applications cited as the bases for the double patenting rejections were commonly owned at the time the invention claimed in the present application was made. In response, SD3, LLC states that the inventions claimed in the present application and in the co-pending applications cited by the Examiner were commonly owned or subject to an obligation of assignment to SD3, LLC at the time each later invention was made. The undersigned is authorized to make this statement on behalf of SD3, LLC. By making this statement applicant does not concede that the cited claims are conflicting claims or that the double patenting rejections are proper.

Claim Rejections – 35 USC §102(f)

The Examiner rejected claims 1-9, 15, 17-18 and 20-21 under 35 U.S.C. §102(f) by saying applicant did not invent the claimed subject matter. Specifically, the Examiner said, "It is not clear who actually invented the subject matter of claims 1-9, 15, 17-18 and 20-21 because each of the above co-pending applications [referring to the co-pending applications cited to support the double patenting rejections] have different inventive entities." (Office Action, 45.) This rejection is traversed.

The inventors named in the present application are, to the best of applicant's knowledge, the inventors of the subject matter claimed in the present application. Multiple individuals are named as inventors because each individual made a contribution to the subject matter of at least one claim of the application, even though each individual may not have made the same type or amount of contribution and even

though each individual may not have made a contribution to the subject matter of every claim in the application. Different inventive entities are named in a number of the co-pending applications cited by the Examiner because other individuals made contributions to the subject matter of at least one claim of each such application. The fact that inventive entities may be different in various applications does not mean that inventorship is incorrect in the present application. Often applications with overlapping subject matter but with additional disclosures and differing sets of claims have different inventive entities. That is the situation here. The present application and the co-pending applications cited by the Examiner have disclosures and claims that differ and that require the naming of different inventive entities. Thus, there is no inconsistency in inventorship and applicant requests the rejection under 35 U.S.C. 102(f) be withdrawn.

Claim Rejections – 35 USC §102(b)

The Examiner rejected claims 1, 8 and 20-21 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,785,230 to Lokey. (Office Action, 45). That rejection is traversed. Claims 1 and 8 require "at least one brake pawl configured to pivot into the teeth of the blade." Claims 20 and 21 require "at least one brake pawl configured ... to pivot tightly into, and bind against, the teeth" of a cutting tool. Lokey fails to disclose a brake pawl that pivots into the teeth of a cutting tool. Instead, Lokey discloses cam brake members 24 that contact the sides of a blade in a hand-held circular saw (column 2, lines 7-25), and a rubber wedge block 125 configured to slide on frame 112 to engage the saw blade of a table saw (column 2, lines 45-50). Because Lokey does not disclose a brake pawl configured to pivot into the teeth of a cutting tool, Lokey cannot anticipate claims 1, 8, 20 or 21.

Claim Rejections – 35 USC §103

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey. (Office Action, 45.) That rejection is traversed. Claim 1 describes a woodworking machine with "at least one brake pawl configured to pivot into the teeth of [a] blade." As stated above, Lokey does not disclose a brake pawl configured to pivot into the teeth of a blade. Instead, Lokey shows two different brake systems, one for a hand-held circular saw and the other for a table saw. The brake system for a hand-held circular saw includes cam members 24 that pivot into the sides of the blade. The brake system for a table saw includes a rubber wedge 125 that slides into the teeth of the blade. The Examiner says it would have been obvious to modify Lokey so that the cam members 24 pivot into the teeth of the blade because rubber wedge 125 slides into the teeth of the blade. (Office Action, 46.) Applicant disagrees with that conclusion.

In order to establish obviousness, "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference" MPEP §2142. Additionally, "there must be a reasonable expectation of success." *Id.* Applying that standard to the case at hand means there must be some suggestion or motivation to modify at least one of the saws disclosed in Lokey to include a brake pawl configured to pivot into the teeth of the blade and there must be a reasonable expectation that the modification would be successful. However, there is no such suggestion or motivation in Lokey, and there is no reasonable expectation that the saws disclosed in Lokey could be so modified.

As stated, the first brake system disclosed in Lokey is for a hand-held circular saw and that system includes cam members 24 that pivot into the sides of the blade. The cam members are small members mounted on pivot pins 28. The pivot pins, in turn, are held in U-shaped brackets 22 bolted to the inside surface of a blade guide 12, one bracket on each side of the blade. The pivot pins include crank arms 26 and 27 which are connected to the end of a solenoid armature 29. When the armature moves up into the solenoid, the crank arms also move up causing the pivot pins to turn in the U-shaped brackets and the cam members to rotate into the sides of the blade. (Lokey, column 2, lines 7-15.)

The cam members in Lokey, however, are not designed to pivot into the teeth of the blade. As shown in Figures 2-4 in Lokey, the cam members have a length only slightly longer than the kerf of the blade and they have a width slightly less than the kerf of the blade. If the cam members were configured to pivot into the teeth of the blade, the blade would destroy the cam members without stopping because of their small size. Additionally, pivoting into the teeth of the blade is a more forceful or violent event than pivoting into the sides of the blade. The U-shaped brackets 22, pins 25 and blade guide 12 which support cam members 24 could not withstand the forces resulting from an impact with the teeth of the blade.

The second brake system disclosed in Lokey is for a table saw and the system includes a rubber wedge 125 designed to slide into the teeth of the blade. The wedge slides along the surface of a frame 112 in a translational or straight-line motion when it is pushed by a solenoid; it does not pivot into the blade. It is important that the wedge slide along the surface of frame 112 because when the wedge contacts the blade, the

blade will push the wedge down and away from the blade. The surface of frame 112 supports the wedge and helps hold it in position to maintain contact with the blade.

Nothing in Lokey teaches or suggests how to modify either the cam member system or the rubber wedge system so that one or the other could pivot into the teeth of the blade. If one thinks to modify the cam member system so that the cam members pivot into the teeth of the blade, then how should the cam members be shaped and supported so the blade does not destroy the cam members or so that the cam members do not simply roll past the teeth? If one thinks to modify the rubber wedge system so that the wedge pivots into the teeth of the blade, then how should the wedge be supported and how would the wedge maintain contact with the teeth as it pivots? Where is the teaching or suggestion that the U-shaped brackets and pins could support and pivot a wedge having the size, shape and mass of the rubber wedge? Where is the teaching or suggestion that the brackets and pins could withstand the force of impact with the teeth? Where is the teaching or suggestion that the solenoid and pins could pivot the rubber wedge into the teeth of the blade with sufficient force to prevent the wedge from bouncing off the teeth of the blade? The answer to these questions is that Lokey does not teach or suggest how to pivot a brake pawl into the teeth of a blade. To the contrary, the brake systems shown in Lokey teach away from pivoting a brake pawl into the teeth of a blade.

Additionally, Lokey never gives any reason to pivot a brake pawl into the teeth of the blade. For example, Lokey never says that one could stop a blade quicker by

pivoting into the teeth of the blade.¹ Nor does Lokey say that pivoting a brake pawl into the teeth of a blade provides a more positive grip on the blade than pivoting against the smooth sides of the blade or than sliding a rubber wedge along a table into the blade. Lokey is simply silent on any benefit of pivoting a brake pawl into the teeth of the blade. That silence, coupled with the fact that Lokey disclosed two other brake systems, neither of which pivoted a brake pawl into the teeth of the blade, supports the conclusion that there is no teaching, suggestion or motivation in Lokey to modify its systems as set forth in applicant's claim 1.

Lokey also fails to explain how to overcome the difficulties of designing a system to pivot a brake pawl into the teeth of a blade. In fact, Lokey does not even recognize or mention any such difficulties. For example, Lokey does not discuss how to support the brake pawl, how to prevent the brake pawl from bouncing off the teeth of the blade when it pivots into the teeth, or how to shape and size the brake pawl so that it can stop the blade and so that it does not roll past the blade.

Furthermore, there is no need or motivation to modify Lokey so that a brake pawl pivots into the teeth of the blade because Lokey tries to detect proximity between a person and the blade rather than contact. One of the main benefits of pivoting a brake pawl into the teeth of the blade is to stop the blade as quickly as possible. That benefit is important in a situation where a person has already contacted the blade because the

¹ The Examiner says, "[I]t would have been obvious to one of ordinary skill in the art at the time of [sic] the invention was made to have the pivoting braking pawls (24) of Lokey pivot into the teeth of the blade in order to positively stop the blade quickly." (Office Action, 46.) However, as stated, Lokey never says one could stop a blade quicker by pivoting into the teeth of a blade, and Lokey fails to teach or suggest any reason to stop a blade more quickly than his brake systems would do, as explained hereafter.

sooner the blade stops the less severe the resulting injury will be. However, Lokey detects when a person approaches the blade – not when a person contacts the blade. Lokey explicitly says that the blade in his system “stops prior to even the slightest contact with the body of the user regardless of the speed of movement of the users finger toward a contacting position with respect to the blade 13.” (Lokey, column 2, lines 27-31.) The fact that Lokey detects proximity rather than contact teaches away from pivoting a brake pawl into the teeth of the blade because detecting proximity means that Lokey has sufficient time to stop the blade without having to pivot a brake pawl into the teeth of the blade.

In summary, Lokey fails to provide any teaching, suggestion or motivation to modify its saws to include a brake pawl configured to pivot into the teeth of a blade, as required by applicant's claim 1, because Lokey discloses other systems to stop the blade, because Lokey does not say how to modify his systems to pivot a brake pawl into the teeth of the blade, because Lokey fails to express any reason to pivot a brake pawl into the teeth of a blade and because there is no need to modify Lokey's systems to pivot a brake pawl into the teeth of the blade.

After reading applicant's disclosure and learning of the benefits of pivoting a brake pawl into the teeth of a blade, it may seem like a small step to modify the saws disclosed in Lokey to pivot a brake pawl into the teeth of the blade. However, if one has not reviewed applicant's disclosure and one does not know of those benefits, there would be no reason to modify the saws disclosed in Lokey. It is only by looking at Lokey with the benefit of hindsight that one thinks Lokey could be modified to pivot a brake pawl into the teeth of the blade. But in an obviousness analysis, one must review the

prior art without the benefit of applicant's disclosure. One cannot use the teaching of applicant's disclosure to suggest the modification to the prior art. The law is "clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) (citations omitted). A suggestion, teaching or motivation to combine or modify references "must be clear and particular." Id. (citation omitted). There is no clear and particular suggestion, teaching or motivation to modify Lokey to pivot a brake pawl into the teeth of a blade, and therefore, the conclusion of obviousness should be withdrawn.

Claims 2-4 were also rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey, and that rejection is also traversed. Claims 2-4 depend from claim 1 and are not obvious for the same reasons as claim 1. Additionally, claim 2 specifies that the brake pawl is plastic, claim 3 says the brake pawl is metal, and claim 4 says the brake pawl is aluminum. The Examiner takes the position that it would have been obvious to select any of these materials "on the basis of its suitability for the intended purpose." Id. at 47. However, there is no teaching or suggestion in the cited prior art saying that plastic, metal or aluminum would be an effective material for a brake pawl configured to pivot into the teeth of a spinning blade. To the contrary, one would likely think that a blade would cut through plastic without stopping, and one would likely think that a blade would bounce off or not cut into metal or aluminum. It was only through experimentation that these materials were learned to be effective. Thus, without

some express teaching, suggestion or motivation in the prior art to select these materials, it would not have been obvious to do so.

Claims 5-7 were also rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey combined with U.S. Patent No. 3,695,116 to Baur. That rejection is traversed. Claims 5-7 depend from claim 1 and are not obvious for the same reasons as claim 1. Additionally, claim 5 requires "a spring configured to urge the brake pawl into the teeth of the blade," and "at least one engagement member adapted to be engaged by the spring to position the spring relative to the brake pawl." Claim 6 depends from claim 5 and further requires "a restraining mechanism configured to releasably hold the brake pawl spaced-apart from the blade against the urging of the spring." The brake pawl of claim 6 also includes "a mounting structure for connecting the restraining mechanism to the brake pawl." Claim 7 depends from claim 6 and specifies that the "mounting structure is spaced apart from the engagement member." Neither Lokey nor Baur show these configurations.

Baur shows an actuator made from a "collapsible dual piston assembly." (Baur, column 1, lines 50-51.) The pistons are prevented from collapsing by a pair of shear pins. The shear pins are made from a heat-ignitable material so that when they ignite, they release the pistons and allow them to collapse. (Baur, column 1, lines 51-68.) Figure 7 in Baur shows how the actuator may be used. A pair of springs 58 in a housing 55 push on pivotable latches 62 and an actuator 50 prevents the latches from pivoting until the shear pins are ignited. When the shear pins are ignited, the actuator collapses under the force of the springs.

However, Baur does not show "a spring configured to urge the brake pawl into the teeth of the blade" as required by claims 5-7. The mechanism shown in Figure 7 of Baur would not work to urge a brake pawl into the teeth of a blade because the springs are contained within housing 55 and would thereby be restricted from pushing against a brake pawl unless some unspecified modification is made to Baur. Additionally, nothing in Baur or Lokey teaches or suggests "at least one engagement member adapted to be engaged by the spring to position the spring relative to the brake pawl." How would the springs and housing of Baur be positioned relative to a brake pawl and where is there an engagement member to do that? Baur and Lokey also fail to teach or suggest "a restraining mechanism configured to releasably hold the brake pawl spaced-apart from the blade against the urging of the spring" as required by claims 6 and 7. The Examiner says the solenoid in Lokey acts as a restraining mechanism, but if that solenoid is replaced with the actuator of Baur, what would constitute the restraining mechanism and how would that mechanism work? Claims 6 and 7 further requires "a mounting structure for connecting the restraining mechanism to the brake pawl," and claim 7 says the "mounting structure is spaced apart from the engagement member." Neither Lokey nor Baur disclose such a mounting structure. If the solenoid of Lokey is replaced by the actuator of Baur, where is the mounting structure? The simple fact that Baur shows an actuator does not mean a person of ordinary skill in the art would know to use that actuator in a woodworking machine as described in applicant's claims 5-7. There still must be some teaching, suggestion or motivation to combine Lokey and Baur to arrive at a device configured as set forth in applicant's claims, and a comparison of those

references to applicant's claims shows there is no such teaching, suggestion or motivation.

Claim 8 was rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed. Claim 8 depends from claim 1 and is not obvious for the same reasons as claim 1. Claim 8 also specifies that "the brake mechanism is self locking against the blade upon contact with the teeth." The Examiner says, "Figure 3 of Lokey discloses that the pawls rotate in the same direction as the rotation of the blade; therefore, further rotation of the blade causes the brake pawls to rotate into engagement with the blade thereby causing a binding effect between the brake and the blade." (Office Action, 46.) However, claim 8 requires the brake mechanism to be self locking "upon contact with the teeth;" it does not simply say the brake mechanism is self-locking. Cam members 24 in Lokey are not self-locking "upon contact with the teeth" because the teeth of a blade would cut through the cam members and allow the cam members to roll past the blade.

Claim 9 was also rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey and that rejection is traversed. Claim 9 is an independent claim describing a woodworking machine having "a brake mechanism including a brake pawl movable into contact with the cutting tool so that a tooth-engaging portion of the brake pawl binds against the teeth of the cutting tool to stop movement of the cutting tool when the detection system detects at least one of the dangerous conditions; where the tooth-engaging portion of the brake pawl is formed of metal." This claim is not obvious in light of Lokey because Lokey fails to teach or suggest a brake pawl with a tooth-engaging portion formed of metal. Instead, Lokey

discloses a rubber wedge that slides into the teeth of a blade. There is no teaching or suggestion in Lokey to use a brake pawl with a metal tooth-engaging portion to stop the blade. In fact, it is counterintuitive to use metal because one would likely think the blade would bounce off or not cut into a brake pawl with a tooth-engaging portion formed of metal.

Claims 15 and 18 were also rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey and that rejection is traversed. Nevertheless, those claims have been cancelled without prejudice in order to more specifically focus the claims in this application, so the rejection is now moot.

Claim 17 was rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey combined with U.S. Patent No. 4,560,033 to DeWoody et al. That rejection is traversed. Claim 17 has been re-written into independent form, and it requires a braking component with "one or more ridges adapted to at least partially bite into the cutting tool." As stated above in connection with the double patenting rejections, nothing in the cited references shows or suggests a braking component with ridges adapted to bite into a cutting tool. The brake components in Lokey and DeWoody both rub against a surface; they do not bite into a cutting tool. Because the cited references fail to teach or suggest this claim limitation, the references cannot by themselves support a conclusion of obviousness. The MPEP expressly says: "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03 (citations omitted). Moreover, the DeWoody reference is outside the proper scope and content of the art because it

concerns wheelchairs, not woodworking equipment, and because it does not concern itself with the issues addressed by applicant's claims.

Claims 20 and 21 were also rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 3,785,230 to Lokey, and that rejection is traversed. Claims 20 and 21 define woodworking machines having "a brake mechanism including at least one brake pawl configured to engage the cutting tool upon detection of one of the dangerous conditions by the detection system, and to pivot tightly into, and bind against, the teeth to stop the movement of the cutting tool." As explained above in connection with claim 1, Lokey does not teach or suggest a brake pawl configured to pivot into and bind against the teeth of a cutting tool. Therefore, claims 20 and 21 are not obvious in light of Lokey.

The fact that the above-discussed claims are non-obvious is also supported by objective indicia of non-obviousness. Every year in the United States there are tens of thousands of people severely injured with power saws according to the U.S. Consumer Product Safety Commission, National Electronic Injury Surveillance System, Directorate for Epidemiology.² These are all severe injuries that require a visit to a hospital emergency room. About 10% of these injuries result in amputations. The number and severity of these injuries clearly shows there is a long felt need for safer saws. The fact that others have tried to solve this problem is evidenced by the Lokey patent cited by the Examiner. However, the continued high number of severe injuries shows that those attempts have failed. Fortunately, saws constructed as required by

² These statistics are publicly available from the U.S. Consumer Product Safety Commission at www.cpsc.gov.

applicant's currently pending claims have the potential to significantly reduce the severity of these injuries. The long felt need for safer saws and the failure of others to satisfy that need supports the conclusion that applicant's claims are non-obvious. (See the declaration of inventor Stephen F. Gass, ¶15, submitted concurrently.)

Additionally, the technology which is the basis for saws constructed as required by applicant's currently pending claims has been recognized as new and innovative by various entities associated with the woodworking industry, as shown by the following awards (See Gass Decl. ¶16):

- **Chairman's Commendation.** The U.S. Consumer Product Safety Commission awarded the technology a Chairman's Commendation for significant contributions to product safety. That award was reported nationally on CNN Headline News.
- **Challenger's Award.** At an International Woodworking Fair in Atlanta, Georgia, the technology won the Challenger's Award, which is the woodworking industry's highest honor. It recognizes the most innovative and technically advanced improvements to woodworking equipment.
- **Popular Science – One of the 100 Best New Innovations.** The magazine *Popular Science* identified the technology as one of the 100 best new innovations of 2002.
- **Workbench Magazine – One of the Top 10 Tools for 2003.** *Workbench* magazine included saws incorporating the technology on its list of the top 10 innovative tools for 2003.

- **Woodwork Institute of California Endorsement.** The Woodwork Institute of California has endorsed the technology, stating:

As a Trade Association in the construction industry (representing over 250 manufacturers of architectural millwork with an excess of 4,000 employees, all of whom use saws of one type or another) we find your SawStop technology and its potential of eliminating or reducing worker injury of extreme significance. Generally, we would not endorse a commercial product; however the potential benefit to our members and their employees of implementing the SawStop technology on the tools used within our industry overrides such.

- **Editor's Choice Award, Tools of the Trade.** The magazine *Tools of the Trade* awarded the technology its 2001 Editor's Choice Award in recognition of its significance.

The technology that is the basis for applicant's currently pending claims also has been the subject of extensive media coverage, including national coverage by CNN Headline News, by the television program NEXT@CNN, by the Associated Press, and by Paul Harvey on the ABC Radio Network. (See Gass Decl. ¶7.) Additionally, numerous magazines have published reports about the technology, and have referred to it as "revolutionary," "unique," and "ingenious." Id. The media's interest in the technology supports the conclusion that the technology is novel and noteworthy.

Several magazines have specifically mentioned that the technology includes a brake pawl that pivots into the teeth of the blade. For example, the March 2001 edition of *Wood* magazine reported, "When the braking system is triggered, a capacitor dumps its charge on the fuse, causing it to burn and allowing the spring to forcefully pivot the brake pawl into the teeth of the blade. The blade stops in a quarter-turn or less" The September 2000 issue of *Plastic Molding & Fabricating* magazine reported on the technology and explained: "Once the system detects this change in the electrical signal, it immediately forces a brake into the teeth of the blade. The brake absorbs the energy

of the blade, bringing the blade to a complete stop in approximately 2-5 milliseconds.” This feature of pivoting a brake pawl into the teeth of the blade is one of the features that allows the technology to work as it does in the time frame that it does. (See Gass Decl. ¶18.)

In conclusion, the differences between the cited references and the claims, the lack of a teaching, suggestion or motivation to modify or combine prior art references, and objective indicia of non-obviousness all support the conclusion that the above-discussed claims are not obvious.

New Claim 22

Applicant is adding with this amendment a new claim 22. That claims describes a woodworking machine with “brake means for stopping the rotation of the blade if one of the dangerous conditions is detected, where the brake means includes brake pawl means for pivoting into the teeth of the blade.” This limitation is a mean-plus-function limitation under 35 U.S.C. §112 and therefore must be interpreted to cover the corresponding structures disclosed in the specification and equivalents. Nothing in Lokey shows or suggests those structures or any equivalent structure and therefore this claim should be allowed.

Withdrawn Claims 10-12

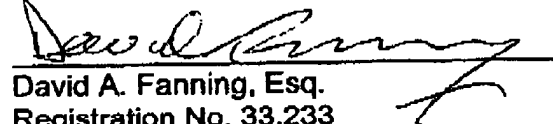
Applicant requests that withdrawn claims 10, 11 and 12 be reinstated if claim 9 is allowed because they depend from claim 9.

CONCLUSION

Applicant believes it has addressed the Examiners comments and questions concerning other pending applications, double patenting and inventorship. Additionally, the Lokey reference fails to disclose all the limitations of the currently pending claims, and there is no teaching, suggestion, or motivation to modify that reference as set forth in applicant's claims, as explained. Therefore, the obviousness rejections should be withdrawn and the application should proceed to issuance. Please call the undersigned with any questions.

Respectfully submitted,

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Attachment 1

<u>Title</u>	<u>Serial No./ Publication No.</u>	<u>Filing Date/ Publication Date</u>
Detection System For Power Equipment	09/929,426 2002-0017176-A1	August 13, 2001 February 14, 2002
Contact Detection System For Power Equipment	60/225,200	August 14, 2000
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	09/929,221 2002-0017336-A1	August 13, 2001 February 14, 2002
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	60/225,211	August 14, 2000
Firing Subsystem For Use In A Fast Acting Safety System	09/929,240 2002-0020263-A1	August 13, 2001 February 21, 2002
Firing Subsystem For Use In A Fast-Acting Safety System	60/225,056	August 14, 2000
Spring-Biased Brake Mechanism For Power Equipment	09/929,227 2002-0020271-A1	August 13, 2001 February 21, 2002
Spring-Biased Brake Mechanism For Power Equipment	60/225,170	August 14, 2000
Brake Mechanism For Power Equipment	09/929,241 2002-0017180-A1	August 13, 2001 February 14, 2002
Brake Mechanism For Power Equipment	60/225,169	August 14, 2000
Retraction System For Use In Power Equipment	09/929,242 2002-0017181-A1	August 13, 2001 February 14, 2002
Retraction System For Use In Power Equipment	60/225,089	August 14, 2000
Replaceable Brake Mechanism For Power Equipment	09/929,236 2002-0020261-A1	August 13, 2001 February 21, 2002
Replaceable Brake Mechanism For Power Equipment	60/225,201	August 14, 2000
Brake Positioning System	09/929,244 2002-0017182-A1	August 13, 2001 February 14, 2002
Brake Positioning System	60/225,212	August 14, 2000
Logic Control For Fast-Acting Safety System	09/929,237 2002-0020262-A1	August 13, 2001 February 21, 2002
Logic Control For Fast-Acting Safety System	60/225,059	August 14, 2000

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<u>Title</u>	<u>Serial No./ Publication No.</u>	<u>Filing Date/ Publication Date</u>
Motion Detecting System For Use In A Safety System For Power Equipment	09/929,234 2002-0017178-A1	August 13, 2001 February 14, 2002
Motion Detecting System For Use In A Safety System For Power Equipment	60/225,094	August 14, 2000
Translation Stop For Use In Power Equipment	09/929,425 2002-0017175-A1	August 13, 2001 February 14, 2002
Translation Stop For Use In Power Equipment	60/225,210	August 14, 2000
Translation Stop For Use In Power Equipment	60/233,459	September 18, 2000
Cutting Tool Safety System	09/929,226 2002-0017183-A1	August 13, 2001 February 14, 2002
Cutting Tool Safety System	60/225,206	August 14, 2000
Table Saw With Improved Safety System	09/929,235 2002-0017184-A1	August 13, 2001 February 14, 2002
Table Saw With Improved Safety System	60/225,058	August 14, 2000
Miter Saw With Improved Safety System	09/929,238 2002-0017179-A1	August 13, 2001 February 14, 2002
Miter Saw With Improved Safety System	60/225,057	August 14, 2000
Fast Acting Safety Stop	60/157,340	October 1, 1999
Safety Systems For Power Equipment	09/676,190	September 29, 2000
Fast-Acting Safety Stop (Taiwan)	143400	February 25, 2002
Fast-Acting Safety Stop	60/182,866	February 16, 2000
Safety Systems for Power Equipment (PCT)	PCT/US00/26812	September 29, 2000
Miter Saw With Improved Safety System	10/052,806 2002-0059855-A1	January 16, 2002 May 23, 2002
Miter Saw With Improved Safety System	60/270,942	February 22, 2001
Contact Detection System For Power Equipment	10/053,390 2002-0069734-A1	January 16, 2002 June 13, 2002
Contact Detection System For Power Equipment	60/270,011	February 20, 2001

<u>Title</u>	<u>Serial No./ Publication No.</u>	<u>Filing Date/ Publication Date</u>
Power Saw With Improved Safety System	10/052,273 2002-0059853-A1	January 16, 2002 May 23, 2002
Power Saw With Improved Safety System	60/270,941	February 22, 2001
Table Saw With Improved Safety System	10/052,705 2002-0056350-A1	January 16, 2002 May 16, 2002
Table Saw With Improved Safety System	60/273,177	March 2, 2001
Miter Saw With Improved Safety System	10/052,274 2002-0059854-A1	January 16, 2002 May 23, 2002
Miter Saw With Improved Safety System	60/273,178	March 2, 2001
Miter Saw With Improved Safety System	10/050,085 2002-0056349-A1	January 14, 2002 May 16, 2002
Miter Saw With Improved Safety System	60/273,902	March 6, 2001
Miter Saw With Improved Safety System	10/047,066 2002-0056348-A1	January 14, 2002 May 16, 2002
Miter Saw With Improved Safety System	60/275,594	March 13, 2001
Safety Systems For Power Equipment	60/275,595	March 13, 2001
Miter Saw With Improved Safety System	10/051,782 2002-0066346-A1	January 15, 2002 June 6, 2002
Miter Saw With Improved Safety System	60/270,313	March 27, 2001
Safety Systems for Power Equipment	10/100,211 2002-0170399-A1	March 13, 2002 November 21, 2002
Safety Systems For Power Equipment	60/275,583	March 13, 2001
Router With Improved Safety System	10/197,975 2003-0015253-A1	July 18, 2002 January 23, 2003
Router With Improved Safety System	60/306,202	July 18, 2001
Translation Stop For Use In Power Equipment	09/955,418 2002-0020265-A1	September 17, 2001 February 21, 2002
Translation Stop For Use In Power Equipment	60/292,081	May 17, 2001
Band Saw With Improved Safety System	10/146,527 2002-0170400-A1	May 15, 2002 November 21, 2002
Band Saw With Improved Safety System	60/292,100	May 17, 2001

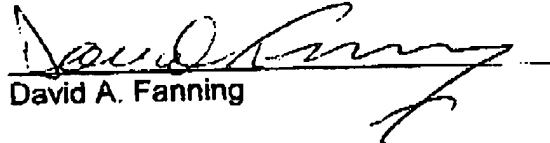
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Serial No. 09/929,241

<u>Title</u>	<u>Serial No./ Publication No.</u>	<u>Filing Date/ Publication Date</u>
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	10/172,553 2002-0190581-A1	June 13, 2002 December 19, 2002
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	60/298,207	June 13, 2001
Discrete Proximity Detection System	10/189,031 2003-0002942-A1	July 2, 2002 January 2, 2003
Discrete Proximity Detection System	60/302,937	July 2, 2001
Actuators for Use In Fast-Acting Safety Systems	10/189,027 2003-0005588-A1	July 2, 2002 January 9, 2003
Actuators For Use In Fast-Acting Safety Systems	60/302,916	July 3, 2001
Actuators For Use In Fast-Acting Safety Systems	10/205,164 2003-0020336-A1	July 25, 2002 January 30, 2003
Actuators For Use In Fast-Acting Safety Systems	60/307,756	July 25, 2001
Safety Systems for Power Equipment	10/215,929 2003-0037651	August 9, 2002 February 27, 2003
Safety Systems For Power Equipment	60/312,141	August 13, 2001
Safety Systems For Band Saws	10/202,928 2003-0019341-A1	July 25, 2002 January 30, 2003
Safety Systems For Band Saws	60/308,492	July 27, 2001
Router With Improved Safety System	10/251,576 2003-0056853-A1	September 20, 2002 March 27, 2003
Router With Improved Safety System	60/323,975	September 21, 2001
Logic Control With Test Mode For Fast-Acting Safety System	10/243,042 2003-0058121-A1	September 13, 2002 March 27, 2003
Logic Control With Test Mode For Fast-Acting Safety System	60/324,729	September 24, 2001
Detection System for Power Equipment	10/292,607 2003-0090224-A1	November 12, 2002 May 15, 2003
Detection System For Power Equipment	60/335,970	November 13, 2001

<u>Title</u>	<u>Serial No./ Publication No.</u>	<u>Filing Date/ Publication Date</u>
Apparatus and Method for Detecting Dangerous Conditions in Power Equipment	10/345,630 2003-0131703-A1	January 15, 2003 July 17, 2003
Safety Systems For Power Equipment	60/349,909	January 16, 2002
Brake Pawls for Power Equipment	10/341,260 2003-0140749-A1	January 13, 2003 July 31, 2003
Brake Pawls For Power Equipment	60/351,797	January 25, 2002
Miter Saw With Improved Safety System	10/643,296	August 18, 2003
Miter Saw With Improved Safety System	60/406,138	August 27, 2002
Retraction System And Motor Position For Use With Safety Systems For Power Equipment	60/452,159	March 5, 2003
Table Saws With Safety Systems And Blade Retraction	60/496,550	August 20, 2003
Brake Cartridges For Power Equipment	60/496,574	August 20, 2003
Switch Box For Power Tools With Safety Systems	60/533,598	December 31, 2003
Motion Detection System For Use In A Safety System for Power Equipment	60/496,568	August 20, 2003
Improved Detection Systems For Power Equipment	60/533,791	December 31, 2003
Improved Fence For Table Saws	60/533,852	December 31, 2003
Improved Table Saws With Safety Systems	60/533,811	December 31, 2003
Brake Cartridges And Mounting Systems For Brake Cartridges	60/533,575	December 31, 2003
Improved Table Saws With Safety Systems and Systems to Mount and Index Attachments	60/540,377	January 29, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to number (703) 872-9306, attention Examiner Boyer D. Ashley, on the date shown below.

Date: March 29, 2004
David A. Fanning

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